

**United States Bankruptcy Court  
Eastern District of Pennsylvania**

In re:

Tri State Paper, Inc.,

Debtor.

Case No. 23-13237-pmm

Chapter 11

Tri State Paper, Inc.,

Plaintiff,

v.

HKGG, Inc.

*dba Carmine's Pizza & Eatery,*

Defendant.

Adversary No.

**Complaint for Turnover of Property to the Estate Pursuant to 11 U.S.C. § 542**

**AND NOW**, Plaintiff Tri State Paper, Inc., by and through its undersigned counsel, alleges the following upon information and belief:

**Parties**

14. Plaintiff Tri State Paper, Inc. is the debtor in the above chapter 11 bankruptcy case and a corporation who at all relevant times is and was domiciled in the state of Pennsylvania.

15. Defendant HKGG, Inc. is and was at all relevant times a corporation with a principal place of business located at 3580 West Chester Pike, Newtown Square, PA 19073 and doing business as Carmine's Pizza & Eatery.

**Jurisdiction and Venue**

16. This Court has jurisdiction pursuant to 28 U.S.C. §§ 157 and 1334.

17. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(E).

18. The Plaintiff has standing to bring this action pursuant to 11 U.S.C. § 542 and Fed. R. Bankr. P. 7001(1).

19. Venue is proper pursuant to 28 U.S.C. § 1409(a).

20. The Plaintiff consents to the entry of a final order or judgment by the court if it is determined that the court, absent consent of the parties, cannot enter a final order or judgment consistent with U. S. Const. art. III.

### **Statement of Claim**

21. The preceding paragraphs of this Complaint are incorporated by reference as if set forth at length herein.

22. Beginning on October 2, 2020, and continuing through March 9, 2023, the Plaintiff shipped various goods to the Defendant in exchange for the Defendant's payment for such goods.

23. The Plaintiff has sent invoices and statements for the amounts due and demanded payment thereof, but the Defendant has failed and refused to pay.

24. The balance due to the Plaintiff by the Defendant is \$4,837.24 as of October 27, 2023. A statement of the Defendant's account is attached as Exhibit A.

25. When the Plaintiff declared bankruptcy on October 27, 2023, the balance due became property of the Plaintiff's bankruptcy estate.

26. The Plaintiff demands turnover of the balance due pursuant to 11 U.S.C. § 542.

### **Request for Relief**

**NOW, THEREFORE**, the Plaintiff requests entry of judgment against the Defendant in the amount of \$4,837.24 plus attorney fees and costs, and for such other and further relief in its favor as may be necessary and proper under the law.

Date: November 7, 2023

CIBIK LAW, P.C.  
*Counsel for Plaintiff*  
*Tri State Paper, Inc.*

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